

(83)

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

COPY

1: CV 01-1163

Civil Case No.

RICHARD WOSTCZAK

Name of Plaintiff(s)

v.

Pa. Dept. of Corrections et alJeffery A. Beach, P.H.D. et alKenneth Kyler et al.PATRICIA Yeager et alRoger Kimbrell et alPatricia E. Eubank et al

Name of Defendant(s)

Scott Walker et al.

Judge

(Number and Judge to be  
assigned by court)FILED  
SCRANTON

JUN 26 2001

PER

DEPUTY CLERK

APPLICATION TO PROCEED IN FORMA PAUPERIS

PLEASE READ CAREFULLY AND FULLY COMPLETE EACH SECTION.

1. ☒ I am willing to pursue my claims in this action under the new provisions of The Prison Litigation Reform Act, understanding that pursuing my claim requires payment of a partial filing fee and deduction of sums from my prison account when funds exist until the filing fee of \$150.00 has been paid in full.
2. ☒ I have enclosed an executed Authorization form which authorizes the Institution holding me in custody to transmit to the Clerk a certified copy of my trust account for the past six (6) months as well as payments from the account in the amounts specified by 28 U.S.C. §1915(b).
3. Have you, prior to the filing of the complaint in this action and while a prisoner as that term is defined in 28 U.S.C. § 1915(h), brought 3 or more actions or appeals in a court of the United States that were dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted? Yes ☐ No ☒
  - (a) If the answer is "yes," are you now seeking relief because you are under imminent danger of serious physical injury? Yes ☐ No ☒ WOJTCZAK V. CUYLER, 480 F.Supp. 1288 (EOPa 1979)

- (b) Please explain in detail why you are under imminent danger of serious physical injury:

I do not know if I am in imminent danger. The threats on my life have not stopped.

WOTCZAK V. Cuyler, 480 F.Supp. 1288 (COPa 1979)

4. (a) Are you presently employed at the Institution? Yes ☐ No ☒
- (b) If yes, what is your monthly compensation? \$12.00 per month I do pay
5. Do you own any cash or other property; have a bank account; or receive money from any source? Yes ☒ No ☐

If the answer is "yes" to any of the above, describe each source and the amount involved.

I receive \$250.00 per month, a gift, from Rev. Dr. Donald Moyer

I can afford to pay filing fee, I mailed the \$150.00 to Clerk on 6-14-01 (see cash slip enclosed).

I can afford to pay the US Marshall service of Process fees.

I cannot afford to pay an attorney to represent me in this Civil Action, I sent a Motion for Appointment of Counsel to the Clerk along with my Complaint, Marshall forms and memorandum of law on 6-11-01 (see cash slip enclosed).

Because of my disabilities I cannot move around the prison, I cannot go to the law library which is on the second floor. Please see my Motion for Appointment of Counsel.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on

6-19-01  
(Date)

  
(Signature of Plaintiff)

This certification is executed pursuant to Title 28, United States Code, Section 1746.

I respectfully ask this Court to appoint me counsel.